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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,766	05/23/2001	Davide Mandato	450117-03308	4282
20999	7590	09/22/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			PHILLIPS, HASSAN A	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/864,766

**Applicant(s)**

MANDATO, DAVIDE

**Examiner**

Hassan Phillips

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/23/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The Information Disclosure Statement (IDS) filed May 23, 2001, had been received and considered by the examiner.

### ***Specification***

1. The abstract of the disclosure is objected to because of a minor informality. Reference to Fig. 3, should not be included in the abstract. Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities: The word "broker" is misspelled as "booker" throughout the disclosure (i.e. page 2, lines 11 and 12). Appropriate correction is required for these minor spelling errors.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

1. Claims 2-20, and 22-40, are objected to because of the following minor informalities: The word "characterised" is a misspelled word. The correct spelling for the word should be "characterized". Appropriate correction is required.

2. Claims 10, and 30, are further objected to because of the following minor informalities: The word "booker" is also a misspelled word. The examiner feels the correct spelling for the word should be "broker". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, and 21, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear to the examiner what is meant by, "...achieving cross-adaptability". The term "cross-adaptability" was not described in the specification in such a way as to enable one skilled in the art, to make and/or use the invention. Thus, in

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order for the examiner to advance prosecution, the examiner has interpreted claims 1, and 21 as best understood.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-40, are rejected under 35 U.S.C. 102(e) as being anticipated by Arunachalam et al. (hereinafter Arunachalam), U.S. Patent 6,631,122.

3. In considering claims 1 and 21, Arunachalam teaches a processing system and software for one or more communication networks, providing applications with a platform and network-independent framework by providing components for QoS management in the communication network(s) by means of a component coordinator unit. See col. 2, lines 43-67, and col. 3, lines 1-6. Also see Fig.'s 2 and 3.

4. In considering claims 2 and 22, Arunachalam teaches the framework using a platform and network-neutral set of application adaptation mechanisms, including a QoS negotiation and re-negotiation protocol. See col. 4, lines 16-33.

5. In considering claims 3 and 23, Arunachalam teaches the protocol using piggyback mechanisms for QoS negotiating and re-negotiating. See col. 5, lines 36-53.

6. In considering claims 4 and 24, Arunachalam teaches the framework based on a modular progressive approach to address different types of applications which span from existing application to envisioned more sophisticated applications that rely on middleware. See col. 4, lines 16-33.

7. In considering claims 5 and 25, Arunachalam teaches the generic framework based on an application model in which each application is allocated to one of a set of application classes having different QoS level with respect to resource usage. See col. 2, lines 43-67, and col. 3, lines 1-6.

8. In considering claims 6 and 26, it is inherent in the teachings of Arunachalam that fallback mechanisms are provided for a backward-compatibility between the application classes. See col. 4, lines 16-33.

9. In considering claims 7 and 27, Arunachalam teaches the framework based on a communication model with different functional communication levels for exploiting the various resources in a coordinated manner so as to achieve the desired overall QoS level. See col. 12, lines 59-67, and col. 13, lines 1-10.

10. In considering claims 8 and 28, Arunachalam teaches the communication levels including an application, a session, an association, and a stream level. See col. 12, lines 59-67, and col. 13, lines 1-10.

11. In considering claims 9 and 29, Arunachalam teaches a QoS broker unit, being managed by the component coordinator unit, and coordinating local and remote resource management by using the negotiation and re-negotiation protocol. See col. 4, lines 16-59.

12. In considering claims 10 and 30, Arunachalam teaches a network resource broker unit, being directly coordinated by the QoS broker unit and managing network resource reservation mechanisms in a implementation independent way. See col. 4, lines 16-59.

13. In considering claims 11 and 31, Arunachalam teaches a session manager unit, being directly coordinated by the QoS broker unit for establishing and managing sessions in an independent way. See col. 4, lines 16-59.

14. In considering claims 12 and 32, Arunachalam teaches one or more chain coordinator units being managed by the QoS broker unit through the session manager unit and managing one or more component chains, each chain being associated with a stream. See col. 4, lines 16-59.

15. In considering claims 13 and 33, Arunachalam teaches one or more CPU-manager units coordinated by the chain coordinator units for managing CPU-resource usage. See col. 4, lines 16-59.

16. In considering claims 14 and 34, Arunachalam teaches a CPU-resource controller unit providing the CPU-manager unit with platform-independent resource status information retrieval and control. See col. 4, lines 16-59.

17. In considering claims 15 and 35, Arunachalam teaches one or more memory manager units, coordinated by the chain coordinator units for managing memory resource usage. See col. 4, lines 16-59.

18. In considering claims 16 and 36, Arunachalam teaches a memory controlling unit for providing the memory manager units with platform-independent resource status information retrieval and control. See col. 4, lines 16-59.



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19. In considering claims 17 and 37, Arunachalam teaches one or more network protocol manager units coordinated by the chain coordinator units for managing network protocol resource usage. See col. 4, lines 16-59.

20. In considering claims 18 and 38, Arunachalam teaches a network protocol controller unit for providing the network protocol manager units with resource status information retrieval and control. See col. 4, lines 16-59.

21. In considering claims 19 and 39, Arunachalam teaches one or more multimedia components coordinated by coordinator units for managing multimedia resources. See col. 4, lines 16-59.

22. In considering claims 20 and 40, Arunachalam teaches a multimedia controller providing the multimedia component units with platform-independent resource status information retrieval and control. See col. 4, lines 16-59.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kurt Rothermel et al. "QoS Negotiation and Resource Reservation for Distributed Multimedia Applications", Proc. IEEE International Conf. On Multimedia Computing and Systems.

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (703) 308-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/  
9/17/04



**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**